

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:07CR3005
	)	
V.	)	
	)	
RICHARD FLEMING,	)	<b>ORDER</b>
	)	
Defendant.	)	
_____	)	

In order to resolve the question of whether Dr. Fleming is obligated to pay all or a portion of the fees and expenses of the Federal Public Defender,

IT IS ORDERED that:

1. By July 1, 2009, the office of the Federal Public Defender shall provide the undersigned with the following information in camera and ex parte:
  - A. the annual salary of the Assistant Federal Public Defender, Paralegal and Investigator who worked on this case;
  - B. the number of hours actually spent by the Assistant Federal Public Defender, Paralegal and Investigator who worked on this case; and
  - C. the “out of pocket” expenses of the Office of the Federal Public Defender for work on this case including the fees and expenses of experts.

2. If the United States believes it is entitled to all or some of this information, counsel shall file a motion for disclosure no later than July 15, 2009.
3. Using the “lodestar” method, as modified to fit the exigencies of this type of case, the undersigned will determine whether Dr. Fleming is required to pay for the fees and expenses of the Federal Public Defender at the time of sentencing and, if so, the amount he is required to pay. To make that determination, the undersigned will use:
  - A. the information provided by the Federal Public Defender (as detailed above);
  - B. information regarding Dr. Fleming’s financial condition as presented in the Presentence Report; and
  - C. such legal memoranda as the parties may wish to submit at or before sentencing.
4. The parties should feel free to seek further direction from the undersigned if needed.

DATED this 24<sup>th</sup> day of April, 2009.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge